## REMARKS

Claims 1, 4 – 12, 14 – 15, 18 – 23, 25 – 26, 29 – 30, and 32 - 34 are pending. Claims 1, 9, 10, 15, 26, 33, and 34 are amended herein. Thus claims 1, 4 – 12, 14 – 15, 18 – 23, 25 – 26, 29 – 30, and 32 - 34 are pending and presented for examination. In view of the following remarks, Applicant requests further examination and reconsideration. No new matter has been added.

Support for the amendments can be found throughout the specification, including Fig. 3 and paragraphs 0024, 0031 – 0034, and 0037 - 0041. No new matter has been added.

Claim rejections under 35 USC 112

The Examiner rejected claims 1, 4 – 12, 14 – 15, 18 – 23, 25 – 26, 29 – 30 and 32 – 34 under 35 USC 112 as being indefinite, noting that the terminology "natural language" is unclear. Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003)("In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.") Applicant submits that the actual term used in the claims is "natural language processing" not "natural language" and as used therein is a well known term in the art having a customary meaning as follows. Natural Language Processing (NLP) is a field of computer science and linguistics concerned with the interactions between computers and human (natural) languages. (Charniak, Eugene: *Introduction to artificial intelligence*, page 2. Addison-Wesley, 1984). Natural language is distinguished from constructed languages and formal languages such as computer-programming languages or the "languages" used in the study of formal logic, especially mathematical logic. Natural language, therefore, has nothing to do with language of the region or foreign languages as purported by the Examiner. Rather, it is a term of art in computing to which this field of invention entails where the computer processes "human" language as opposed to structured computer languages. The Examiner's interpretation of the term conflicts with the term's art-accepted meaning.

Accordingly, as the term used in the claim is used in accordance with the ordinary and customary meaning attributed to it by those of ordinary skill in the art, Applicant submits that no

correction in the claim language is required and that the rejection should be withdrawn. However, in order to better clarify that the term has meaning in the art and to emphasize that the term is "Natural Language Processing" rather than "natural language", Applicant has amended the term to reflect a proper noun which names a specific thing, in this case Natural Language Processing (i.e., processing "human" language as opposed to structured computer language). Applicant respectfully requests that the Office withdraw the rejection under 35 USC 112.

Claim Rejections under 35 USC 103

Claims 1, 4 – 12, 14 – 15, 18 – 23, 25 – 26, 29 – 30, and 32 - 34 are rejected under 35 USC 103(a) as being unpatentable over *Eder* (U.S. Pat. 7,580,848) in view of *D'Alessandro* (U.S. Pat. No. 6,556,974). The Applicant respectfully traverses the rejection and respectfully submits that the applied references do not teach, suggest, or disclose either individually or in combination the claimed features. Applicant submits that the combination of the cited references would not render the subject matter of the amended claims obvious to one of ordinary skill in the art. Applicant respectfully requests that the Office withdraw the rejection under 35 USC 103.

*Eder* describes and teaches a method and system for business valuation [Col. 1, lines 22 – 23]. It describes valuating both tangible and intangible **assets** [Col. 6, lines 7 – 9] to measure **financial performance** [Col. 4, lines 45 – 49]. Accordingly, one skilled in the art would likely glean from Eder the general notion that financial data can be used for business evaluation to get a "value of current operation." *Eder* fails to address the distinction between numerical and non-numerical financial data in its analysis and fails to address how to handle these different types of data during extraction and analysis.

*D'Alessandro* describes and teaches a survey/interview method [Col. 1. lines 7 – 8, Col. 2, line 63] that surveys employees [Col. 3, line 33] and non-employees [Col. 3, line 59] about **business performance** [Col. 3, line 67] and then quantifies the results of the survey [Col. 4, line 4]. Accordingly, one skilled in the art would likely glean from *D'Alessandro* that employees can be surveyed and their answers can be analyzed based on the Malcolm bridge criteria to determine a "business performance score." *D'Alessandro* fails to address the distinction between numerical

and non-numerical business data in its analysis and fails to address how to handle these different types of data during extraction and analysis.

Moreover, most notably missing from both these references, either taken alone or combined, is any mention of **detecting the behavioral patterns** in the separate analyses and then **fusing** the results to substantiate these behavioral patterns as required by the claims. There is no description, teaching, or suggestion to fuse the data in this manner from these cited references. Nor would there be any reason to detect behavioral patterns and to fuse *D'Alessandro's* "business performance score" with *Eder's* "value of current operation" as each of these references is complete and such modification would taint the results from both of these individual and unrelated evaluations.

Accordingly, Applicant requests that the rejection of the independent claims be withdrawn. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

For the reasons set out above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

Respectfully submitted,

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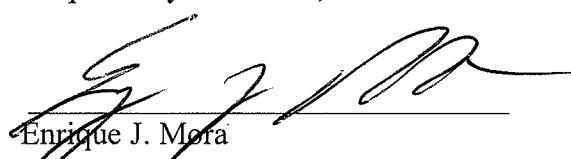
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